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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

EXAMINER

WALSH, DANIEL I

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2887

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,452	Applicant(s) BREMOND ET AL.	
	Examiner DANIEL WALSH	Art Unit 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-25 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-25 and 28-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 19-25 and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (JP04078551A) in view Winnik et al. (US 5286286).

Re claim 19, Fujiwara teaches a method for marking an item comprising the steps of providing information to be applied to an item (in storage device 2), applying a first marking to the item corresponding to the information (barcode printed by printing device 3), reading the marking and comparing it with the information (abstract) and if the information does not correspond, applying a second marking to the item (error mark).

Art Unit: 2887

Fujiwara is silent to the first marking being using an ink comprising a material based security element selected from the group consisting of luminescent materials, UV absorbers and IR absorbers.

Winnik et al. teaches colorless fast drying ink compositions for printing concealed images detectable by fluorescence (title), inks with fast drying times and good print quality (col 5, lines 45+), and those which are invisible in the visible wavelength range (col 5, lines 60+), invisible barcodes (col 9, lines 5+). Therefore, the Examiner has interpreted the fast drying invisible inks of Winnik et al., which are taught for printing barcodes, as using an ink selected from the group consisting of luminescent materials, UV absorbers and IR absorbers, especially as Winnik et al. teaches the use of an infrared detector or a fluorescence detector or illumination of the image under UV light (col 5, lines 65+).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara with those of Berson

One would have been motivated to do this for security, to have more area for additional information, for aesthetics, etc.

Re claim 20, though silent to being carried out in-line on integrated equipment under control of an electronic processor, the Examiner notes that FIG. 1 appears to show in line, and control device 1 can be interpreted as a processor.

Re claim 21, the error marker 9 is interpreted as a cancellation mark printed on the label.

Re claim 22, both markings are printed.

Art Unit: 2887

Re claims 23-24, ink jet Winnik et al. teaches ink jet printing (col 1, lines 15+), and therefore it would have been obvious to combine the teachings of Winnik et al. for the expected results of acceptable, quality, low cost printing technology to produce expected results

Re claim 25, a barcode has been discussed above.

Re claim 28, the barcode contains information that is put into code/encoded (barcode) and hence is interpreted as encrypted information. Alternatively, the Examiner notes that an encrypted barcode (via encryption technology) is an obvious expedient for security.

Re claim 29, though silent to photocells/camera coupled to image processing means, the Examiner notes that it is well know and conventional to use such reading means to read barcodes, to provide the reduce cost/complexity over laser readers, for example, and therefore is an obvious expedient.

Re claim 30, though silent to the information being generated on a remote server/locally (where information is generated), the Examiner notes it would have been obvious to one of ordinary skill in the art to have the information generated at a central/shared server in order for data to be easily shared/updated across systems, as is known in the art, to provide for easy updating while also reducing the complexity of the local devices.. The Examiner notes that the information could be generated either remotely, or locally, based on system constraints. One might desire to have it generated locally to have a stand alone unit, or to have dedicated storage locally, or remotely, as discussed above. The Examiner believes that it would have been obvious to one of ordinary skill in the art to have the information generated remotely and then communicated, for the expected results of less complexity of the local device, and the ability to share/network, and handle a greater volume of data, for example. Further, the device would

Art Unit: 2887

appear to perform its tasks of verifying printed barcodes regardless of whether the code is generated locally and stored in memory or generated remotely and stored in memory or remotely communicated. These are expected results common to sharing data from a central/remote server across devices, and therefore an obvious expedient, whether the data/information being shared is barcode data, pricing data, images, etc; sharing of data across a network, and its benefits are known in the art. The Examiner further notes that the claim does not recite authentication, but merely allowing for authentication, so authentication itself is not positively recited, and therefore the prior art is believed to allow for authentication.

Re claims 31-32, Winnik et al. teaches such limitations for the first marking (col 1, lines 15+) and therefore it would have been obvious to combine the teachings of Winnik et al. in order to use a low cost, non-contact, readily acceptable, printing method for expected results. It would have been obvious to use ink jet printing for the second mark to produce such expected results as present for the first marking, applied to the second marking.

Re claim 33, though silent to being printed with a particular color, the Examiner notes that the selection of a particular color is an obvious matter of design variation, motivated by contrast, for example. Selection of a particular color is within the ordinary skill in the art.

Re claim 34, a barcode (machine readable component) has been discussed above.

Re claim 35, though silent to putting the barcode on an article or good, the Examiner notes it would have been obvious to one of ordinary skill in the art to apply a barcode to an item or article for information purposes, as is conventional in the art. Further, the Examiner notes that the roll of labels can be interpreted as the label (item) being attached to an article/good (the backing the label is removably attached to).

Art Unit: 2887

Re claims 36-37, the limitations have been discussed above re claims 19-20.

4. Claims 23 and 24 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara/Winnik et al., as discussed above, in view of Lubow (US 20030080191).

Re claims 23, 24, and 27, the teachings of Fujiwara/Winnik et al. have been discussed above.

Fujiwara/Winnik et al. is silent to non contact laser marking.

Lubow et al. teaches such limitations (paragraph [0011]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara/Winnik et al. with those of Lubow et al.

One would have been motivated to do this to provide a cost effective and reliable means to print, without contact, as conventional in the art.

Re claim 31-32, as the first mark is taught with ink jet printing, it would have been obvious for the second mark to include ink jet printing, as a well known and accepted means to print reliably and with low cost.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara/Winnik et al., as discussed above, in view of Fujioka et al. (JP63007955).

The teachings of Fujiwara/Winnik et al. have been discussed above.

Fujiwara/Winnik et al. are silent to the information being generated by a remote server.

Fujioka et al. teaches data is sent from a host to a barcode printer (CONSTITUTION).

Though silent to a remote server, it would have been obvious for the host to be a remote server, in order to permit long range networking/communication of data.

Art Unit: 2887

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara/Winnik et al. with those of Fujioka.

One would have been motivated to do this to permit networking communication for updating and control of printing.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara/Winnik et al., as discussed above, in view of Genji (JP 02202465).

The teachings of Fujiwara/Winnik et al. have been discussed above.

Fujiwara/Winnik et al. are silent to a quality control detector unit.

Genji teaches a quality control detector (Constitution) as Genji is a self-correcting printing/verifying device which prints a barcode on a sheet, scans and reads the mark, calculates deviation between dimensions of some portions of the read mark with specific dimensions and then changes printing drive signals to decrease the deviation, thereby being interpreted as a quality control detector unit.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara/Winnik et al. with those of Genji.

One would have been motivated to do this to self correct (accuracy) while having high throughput.

7. Claims 19-25, and 28-37 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (JP04078551A) in view of Auslander (US 6905538).

The teachings of Fujiwara have been discussed above.

Art Unit: 2887

Fujiwara is silent to the first marking being using an ink comprising a material based security element selected from the group consisting of luminescent materials, UV absorbers and IR absorbers.

Auslander teaches such limitations (abstract), and that authentication is enabled (paragraph [0036], corresponding to col 4, lines 40+ which teach fluorescence and authentication). The Examiner notes that the material of invisible ink can be interpreted as a material based security element because it is invisible, and as a fluorescent ink, it is interpreted as luminescent (with proper illumination).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara with those of Auslander.

One would have been motivated to do this for security or to have more area for additional information, for security, for aesthetics, etc.

Re claim 20, though silent to being carried out in-line on integrated equipment under control of an electronic processor, the Examiner notes that FIG. 1 appears to show in line, and control device 1 can be interpreted as a processor.

Re claim 21, the error marker 9 is interpreted as a cancellation mark printed on the label.

Re claim 22, both markings are printed.

Re claim 25, a barcode has been discussed above.

Re claim 28, the barcode contains information that is put into code/encoded (barcode) and hence is interpreted as encrypted information. Alternatively, the Examiner notes that an encrypted barcode (via encryption technology) is an obvious expedient for security.

Art Unit: 2887

Re claim 29, though silent to photocells/camera coupled to image processing means, the Examiner notes that it is well known and conventional to use such reading means to read barcodes, to provide the reduce cost/complexity over laser readers, for example.

Re claim 30, though silent to the information being generated on a remote server/locally (where information is generated), the Examiner notes it would have been obvious to one of ordinary skill in the art to have the information generated at a central/shared server in order for data to be easily shared/updated across systems, as is known in the art, to provide for easy updating while also reducing the complexity of the local devices.. The Examiner notes that the information could be generated either remotely, or locally. One might desire to have it generated locally to have a stand alone unit, or to have dedicated storage locally, or remotely, as discussed above. The Examiner believes that it would have been obvious to one of ordinary skill in the art to have the information generated remotely and then communicated, for the expected results of less complexity of the local device, and the ability to share, for example. Further, the device would appear to perform its tasks of verifying printed barcodes regardless of whether the code is generated locally and stored in memory or generated remotely and stored in memory or remotely communicated. These are expected results common to sharing data from a central/remote server across devices, and therefore an obvious expedient, whether the data/information being shared is barcode data, pricing data, images, etc; sharing of data across a network, and its benefits are known in the art.

Re claims 23-24, ink jet printing is taught by Auslander (abstract) as an obvious expedient for low cost and quick printing. Re claims 31-32, it would have been obvious to one of ordinary skill in the art to use the ink jet printing for the second marking/cancelling, in order

Art Unit: 2887

to use a low cost, non-contact, readily acceptable, printing method for expected results, such as used for the first marking.

Re claim 33, though silent to being printed with a particular color, the Examiner notes that the selection of a particular color is an obvious matter of design variation, motivated by contrast, for example. Selection of a particular color is within the ordinary skill in the art.

Re claim 34, a barcode (machine readable component) has been discussed above.

Re claim 35, though silent to putting the barcode on an article or good, the Examiner notes it would have been obvious to one of ordinary skill in the art to apply a barcode to an item or article for information purposes, as is conventional in the art. Further, the Examiner notes that the roll of labels can be interpreted as the label (item) being attached to an article/good (the backing the label is removably attached to).

Re claims 36-37, the limitations have been discussed above re claims 19-20.

8. Claims 23 and 24 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara/Auslander., as discussed above, in view of Lubow (US 20030080191).

Re claims 23, 24, and 27, the teachings of Fujiwara/Auslander have been discussed above.

Fujiwara/Auslander is silent to non contact laser marking.

Lubow et al. teaches such limitations (paragraph [0011]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara/Auslander with those of Lubow et al.

One would have been motivated to do this to provide a cost effective and reliable means to print, without contact, as conventional in the art.

Art Unit: 2887

Re claim 31-32, as the first mark is taught with ink jet printing, it would have been obvious for the second mark to include ink jet printing, as a well known and accepted means to print reliably and with low cost.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara/Auslander, as discussed above, in view of Fujioka et al. (JP63007955).

The teachings of Fujiwara/Auslander have been discussed above.

Fujiwara/Auslander are silent to the information being generated by a remote server.

Fujioka et al. teaches data is sent from a host to a barcode printer (CONSTITUTION).

Though silent to a remote server, it would have been obvious for the host to be a remote server, in order to permit long range networking/communication of data.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara/Auslander with those of Fujioka.

One would have been motivated to do this to permit networking communication for updating and control of printing.

10. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara/Auslander, as discussed above, in view of Genji (JP 02202465).

The teachings of Fujiwara/Auslander have been discussed above.

Fujiwara/Auslander are silent to a quality control detector unit.

Genji teaches a quality control detector (Constitution) as Genji is a self-correcting printing/verifying device which prints a barcode on a sheet, scans and reads the mark, calculates deviation between dimensions of some portions of the read mark with specific dimensions and

Art Unit: 2887

then changes printing drive signals to decrease the deviation, thereby being interpreted as a quality control detector unit.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara/Auslander with those of Genji..

One would have been motivated to do this to self correct (accuracy) while having high throughput.

11. Claims 19-25, and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (JP04078551A) in view of Berson (US 5,861,618).

Re claim 19, Fujiwara teaches a method for marking an item comprising the steps of providing information to be applied to an item (in storage device 2), applying a first marking to the item corresponding to the information (barcode printed by printing device 3), reading the marking and comparing it with the information (abstract) and if the information does not correspond, applying a second marking to the item (error mark).

Fujiwara is silent to the first marking being using an ink comprising a material based security element selected from the group consisting of luminescent materials, UV absorbers and IR absorbers.

Berson teaches using invisible inks for printing barcodes (col 1, lines 50+). Re the limitation that the first marking is printed using an ink comprising a material based security element selected from the group consisting of luminescent materials and UV/IR absorbers, the Examiner notes that the material of invisible ink can be interpreted as a material based security element because it is invisible, and as a fluorescent ink, it is interpreted as luminescent (with proper illumination).

Art Unit: 2887

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara with those of Berson

One would have been motivated to do this for security or to have more area for additional information, realizing that

Re claim 20, though silent to being carried out in-line on integrated equipment under control of an electronic processor, the Examiner notes that FIG. 1 appears to show in line, and control device 1 can be interpreted as a processor.

Re claim 21, the error marker 9 is interpreted as a cancellation mark printed on the label.

Re claim 22, both markings are printed.

Re claim 25, a barcode has been discussed above.

Re claim 28, the barcode contains information that is put into code/encoded (barcode) and hence is interpreted as encrypted information. Alternatively, the Examiner notes that an encrypted barcode (via encryption technology) is an obvious expedient for security.

Re claim 29, though silent to photocells/camera coupled to image processing means, the Examiner notes that it is well know and conventional to use such reading means to read barcodes, to provide the reduce cost/complexity over laser readers, for example.

Re claim 30, though silent to the information being generated on a remote server/locally (where information is generated), the Examiner notes it would have been obvious to one of ordinary skill in the art to have the information generated at a central/shared server in order for data to be easily shared/updated across systems, as is known in the art, to provide for easy updating while also reducing the complexity of the local devices.. The Examiner notes that the information could be generated either remotely, or locally. One might desire to have it generated

Art Unit: 2887

locally to have a stand alone unit, or to have dedicated storage locally, or remotely, as discussed above. The Examiner believes that it would have been obvious to one of ordinary skill in the art to have the information generated remotely and then communicated, for the expected results of less complexity of the local device, and the ability to share, for example. Further, the device would appear to perform its tasks of verifying printed barcodes regardless of whether the code is generated locally and stored in memory or generated remotely and stored in memory or remotely communicated. These are expected results common to sharing data from a central/remote server across devices, and therefore an obvious expedient, whether the data/information being shared is barcode data, pricing data, images, etc; sharing of data across a network, and its benefits are known in the art. The Examiner further notes that the claim does not recite authentication, but merely allowing for authentication, so authentication itself is not positively recited, and therefore the prior art is believed to allow for authentication.

Re claims 23-24 and 31-32, though silent to the error marker/first mark being an ink jet printer, as an error mark is printed, it is understood to be marked by a printer. The selection of a known/conventional type of printer is an obvious expedient for expected results such as low cost, non-contact, readily acceptable, etc., and therefore would be an obvious choice for both marks.

Re claim 33, though silent to being printed with a particular color, the Examiner notes that the selection of a particular color is an obvious matter of design variation, motivated by contrast, for example. Selection of a particular color is within the ordinary skill in the art.

Re claim 34, a barcode (machine readable component) has been discussed above.

Re claim 35, Berson teaches objects (Col 2, lines 38+). The Examiner notes it would have been obvious to one of ordinary skill in the art to apply a barcode to an item or article for

Art Unit: 2887

information purposes, as is conventional in the art. Further, the Examiner notes that the roll of labels can be interpreted as the label (item) being attached to an article/good (the backing the label is removably attached to).

Re claims 36-37, the limitations have been discussed above re claims 19-20.

12. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara/Berson, as discussed above, in view of Lubow (US 20030080191).

Re claims 23, 24, and 27, the teachings of Fujiwara/Berson have been discussed above.

Fujiwara is silent to ink-jet printing/laser marking on a light or heat sensitive coating.

Lubow et al. teaches such limitations (paragraph [0011]). The item is interpreted as light/heat sensitive, as known in the art.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara/Berson with those of Lubow et al.

One would have been motivated to do this to provide a cost effective and reliable means to print, without contact, as conventional in the art.

13. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara/Berson, as discussed above, in view of Fujioka et al. (JP63007955).

The teachings of Fujiwara/Berson have been discussed above.

Fujiwara/Berson are silent to the information being generated by a remote server.

Fujioka et al. teaches data is sent from a host to a barcode printer (CONSTITUTION).

Though silent to a remote server, it would have been obvious for the host to be a remote server, in order to permit long range networking/communication of data.

Art Unit: 2887

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara/Berson with those of Fujioka.

One would have been motivated to do this to permit networking communication for updating and control of printing.

14. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara/Berson, as discussed above, in view of Genji (JP 02202465).

The teachings of Fujiwara/Berson have been discussed above.

Fujiwara/Berson are silent to a quality control detector unit.

Genji teaches a quality control detector (Constitution) as Genji is a self-correcting printing/verifying device which prints a barcode on a sheet, scans and reads the mark, calculates deviation between dimensions of some portions of the read mark with specific dimensions and then changes printing drive signals to decrease the deviation, thereby being interpreted as a quality control detector unit.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Fujiwara/Berson with those of Genji.

One would have been motivated to do this to self correct (accuracy) while having high throughput.

Response to Arguments

15. Applicant's arguments filed 9-24-10 have been fully considered but they are not persuasive.

Art Unit: 2887

16. In response to the Applicants argument that the prior art of Auslander and Berson fail to teach immediately reading the ink after printing the Examiner notes that the Applicants claims do not recite immediately reading after printing. It is also unclear why a printed code could not be expected to be read after printing, whether immediately after printing or after a time. Further, the Examiner has cited the art to Winnik et al., which teaches a fast drying ink. Therefore, the Examiner notes that it would have been obvious in light of the combination of Fujiwara/Winnik et al. that the first marking could be applied using the ink/material based security element as per Winnik et al., for the above listed benefits/reasons to use an invisible/UV absorbing/IR absorbing/luminescent ink. As the ink is read in a non-contact manner, there does not appear to be any reason why the ink could not be read after printing, as argued by the Applicant, especially as it is a fast drying ink, even though it is unclear why the dryness of the ink would affect non-contact reading. Therefore, as Fujiwara teaches printing a barcode and then reading it to verify correctness, the Examiner notes it would have been obvious for such a barcode to be printed with such a material based security element for those reasons listed above, and further, as Winnik et al. teaches a fast drying ink, it would have been obvious to one of ordinary skill in the art that it could be read after printing, and thus the combination reads on the claim limitations. The Examiner notes that the teaching of such a material based security element does not appear to preclude it being read after printing, and the Examiner is unclear on why the Applicant contends that it cannot be read after printing. Further, as Auslander teaches (claim 10) that the ink material aids in drying, it would have been obvious to one of ordinary skill in the art that the combination of Fujiwara/Auslander would have an invisible ink that could be read after printing. Again, it is unclear to the Examiner why such an ink precludes it from being read after printing.

Art Unit: 2887

17. The Examiner maintains that an invisible ink has certain advantages/reasons to be used, as opposed to the visible ink as taught by Fujiwara. Therefore, the combination of references would have been obviated by such reasons, and such a material based security element does not appear to preclude it from being read immediately after printing, especially since the inks are fast drying and read in a non contact manner. Therefore, the Examiner maintains that the above combination of references supports the material based security element (ink) being used in place of the visible ink of Fujiwara.

18. Overall, the Examiner is unclear on how/why the Applicant argues that the material based security element of the prior art somehow does not support it being able to be read after printing, as per Fujiwara, as they are inks read in a non contact manner, and it does not appear that they could not be read after printing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409.

The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2887

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